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Attorneys for Defendants  
WELLS FARGO HOME MORTGAGE and  
BANK OF AMERICA, N.A.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ROBERT BONÉ and NANCY BONÉ,

Plaintiffs,

vs.

WELLS FARGO HOME MORTGAGE, a  
division of Wells Fargo Bank, N.A., successor  
by merger to Wells Fargo Home Mortgage,  
Inc.; BANK OF AMERICA, N.A.; and DOES  
1 through 30,,

Defendants.

Case No.: 4:10-cv-02011-PJH

**STIPULATION TO CONTINUE  
HEARING DATE FOR DEFENDANTS'  
MOTION TO DISMISS PLAINTIFFS'  
FIRST AMENDED COMPLAINT AND  
MOTION TO STRIKE PORTIONS OF  
THE FIRST AMENDED COMPLAINT  
[FRCP 12(B)(6) & FRCP 12(F)];  
[PROPOSED] ORDER**

Current Date: March 23, 2011  
Time: 9:00 a.m.  
Dept.: Courtroom 3, 3<sup>rd</sup> Floor  
Judge: Hon. Phyllis J. Hamilton  
Comp. Date: April 6, 2010  
Trial Date: TBD

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1 Plaintiffs Robert Boné and Nancy Boné (“Plaintiffs”) and Defendants Wells Fargo Home  
2 Mortgage, a division of Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home  
3 Mortgage, Inc. (“WFHM”) and Bank of America, N.A. (“BofA”) by and through their respective  
4 counsel, hereby stipulate that the Motion to Dismiss and to Strike Portions of the First Amended  
5 Complaint filed by Plaintiffs (the “Motion”) that is set to be heard on Wednesday, March 23,  
6 2011, at 9:00 a.m. will be continued to Wednesday, April 27, 2011, at 9:00 a.m. or as soon  
7 thereafter as the matter may be heard, in Courtroom 3, 3rd Floor of the above-entitled Court,  
8 located at U.S. District Court, 1301 Clay Street, Oakland, CA 94612.

9 This stipulation is based upon the following showing of good cause:

10 **RECITALS**

11 1. After the Motion was filed, the Parties participated in an early settlement  
12 conference (“ESC”) with Magistrate Donna M. Ryu on October 19, 2010 in an effort to resolve  
13 the case. Though no settlement was reached at the ESC, the Parties have continued to work  
14 together to try and resolve the case with the assistance of Judge Ryu.

15 2. The Parties reached a tentative settlement on the afternoon of Friday March 18,  
16 2011 and need some additional time to finalize the terms of their agreement and complete the  
17 resolution of this matter. To that end, the Parties have stipulated to continue the hearing on the  
18 Motion to allow some additional time to complete the resolution without further costly litigation.

19 3. The continuance will not prejudice the Parties to this action.

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**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, as follows:

1. The Motion set for March 23, 2011 will be continued to Wednesday, April 27, 2011, at 9:00 a.m. or as soon thereafter as the matter may be heard, in Courtroom 3, 3rd Floor of the above-entitled Court, located at U.S. District Court, 1301 Clay Street, Oakland, CA 94612.

**IT IS SO STIPULATED:**

DATED: March 21, 2011

LAW OFFICES OF DAVID STURGEON-GARCIA

By: /s/ David Sturgeon-Garcia  
DAVID STURGEON-GARCIA  
Attorney for Plaintiffs  
ROBERT and NANCY BONE

DATED: March 21, 2011

SEVERSON & WERSON  
A Professional Corporation

By: /s/ Edward R. Buell III  
EDWARD R. BUELL III  
Attorneys for Defendant  
WELLS FARGO HOME MORTGAGE  
and BANK OF AMERICA, N.A.

**ORDER**

Pursuant to the stipulation of the parties and GOOD CAUSE APPEARING:

IT IS HEREBY ORDERED that the Motion to Dismiss and to Strike Portions of the First Amended Complaint set for hearing on March 23, 2011 is continued to Wednesday, April 27, 2011, 2011, at 9:00 a.m. in Courtroom 3, 3rd Floor of the above-entitled Court, located at U.S. District Court, 1301 Clay Street, Oakland, CA 94612.

DATED: 3/22/11

Hon. Phyllis J. Hamilton  
United States District Court

